IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 26224 of 2006(V)

PETITIONER:

A.A.ALI,
PROPRIETOR, FATHIMA INDUSTRIES,
MEKKALADY, KALADY PO

BY ADV. SRI.M.A.ABDUL HAKHIM

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.
REPRESENTED BY ITS SECRETARY.

2. ASSISTANT ENGINEER,
K.S.E. BOARD, ELECTRICAL MAJOR SECTION,
KALADY.

3. ASSISTANT EXECUIVE ENGINEER,
K.S.E. BOARD, ELECTRICAL MAJOR SECTION,
KALADY.

4. THE DEPUTY CHIEF ENGINEER,
APTS,(HQ), K.S.E.BOARD, VIGILANCE WING,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 PHOTO COPY OF THE DOCUMENT OF INSPECTION PREPARED AT THE INSTANCE OF APTS

EXT.P2 PHOTOSTAT COPY OF THE ADDL. BILL ISSUED BY THE THIRD RESPONDENT DEMANDING RS. 71,363/-.

EXT.P3 PHOTOSTAT COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN OP 28996/2000

EXT.P4 PHOTOSTAT COPY OF THE APPEAL SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.

EXT.P5 PHOTOSTAT COPY OF THE ORDER PASSED BY THE 4TH RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 26224 OF 2006

Dated this the 12th day of June, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for KSEB. Petitioner is disputing Ext.P2 bill raised for unauthorised addl. load. It is seen that subsequent to Ext.P8, the Board has reduced the penal interest charges to two times as against three times charged earlier. Petitioner was not charged for any theft of power, but the disputed bill was raised on account of unauthorised addl. load. In the circumstances, W.P. is partly allowed reducing the liability from Rs. 71, 363/- to Rs. 50,000/-. Petitioner is also granted waiver of surcharge on interest if balance amount of Rs. 20,000/- after reckoning payment of Rs. 30,000/- is paid on or before 30.6.2007. However, if petitioner does not make payment on or before 30.6.2007, then the waiver of interest granted will stand vacated and respondents will recover surcharge on interest also.

(C.N.RAMACHANDRAN NAIR)
Judge